

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2019 JUL 10 PM 4:18

LAYLA MOORE,

PLAINTIFF,

V.

BAYLOR SCOTT & WHITE HEALTH,
DEFENDANT.§
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§

CIVIL NO. 1:18-CV-363-LY

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

DEPUTY

ORDER

Before the court are Defendant's Motion for Summary Judgment filed April 2, 2019 (Doc. #17); Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment filed April 26, 2019 (Doc. #22); and Defendant's Reply to Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment filed May 3, 2019 (Doc. #23). The motion, response, and reply were referred to the United States Magistrate Judge for findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(B), Rule 72 of the Federal Rules of Civil Procedure, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, as amended. The magistrate judge filed his Report and Recommendation on June 19, 2019 (Doc. #29), recommending that this court deny the motion.

Defendant's Objections to the Report and Recommendation of the United States Magistrate Judge were filed July 3, 2019 (Doc. #30). Plaintiff's Response to Defendant's Objections to Report and Recommendation was filed July 4, 2019 (Doc. #31). In light of the objections, the court has undertaken a *de novo* review of the entire case file in this action and finds that the Report and Recommendation filed by the magistrate judge is correct and should be approved and accepted by the court for substantially the reasons stated therein.

Having reviewed the Report and Recommendation and the record in this case, this court agrees with the magistrate judge's finding that Plaintiff has raised issues of material fact that preclude summary judgment. Therefore, the court will overrule Defendant's objections.

IT IS THEREFORE ORDERED that Defendant's Objections to the Report and Recommendation of the United States Magistrate Judge were filed July 3, 2019 (Doc. #30) are **OVERRULED**.

IT IS FURTHER ORDERED that the United States Magistrate Judge's Report and Recommendation (Doc. #29) filed in this cause is hereby **APPROVED** and **ACCEPTED** by the court.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment filed April 2, 2019 (Doc. #17) is **DENIED**.

SIGNED this 10th day of July, 2019.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE